

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DION A. TEMPLE,)	
)	
Plaintiff,)	Civil Action No. 12-1435
)	Judge Cathy Bissoon
v.)	Magistrate Judge Maureen P. Kelly
)	
COMMONWEALTH, <i>et. al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Dion Temple (“Plaintiff”) brings the instant cause of action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983, *et seq.* Plaintiff alleges that the Commonwealth of Pennsylvania and the State Correctional Institution at Fayette, Pennsylvania (“Defendants”) violated his constitutional rights by deducting funds from his inmate trust account without justification.

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. On March 6, 2013, the magistrate judge informed Plaintiff that his complaint was dismissible pre-service under the Eleventh Amendment to the Constitution. Plaintiff was ordered to file an amended complaint naming as defendants those individuals who were personally involved in his alleged constitutional deprivations, which was due on or before April 1, 2013. (Doc. 12 at 2). Plaintiff did not comply with this order, nor did he seek an extension of time in which to do so. The magistrate judge issued a report and recommendation on May 14, 2013, recommending that this case be dismissed for the reasons stated in her earlier order. (Doc. 13). Plaintiff filed objections to the report on May 30, 2013. (Doc. 14). The caption of his objections contained the names of several individuals; however, Plaintiff does not seek leave to file an amended complaint against these individuals, an amended

complaint is not attached to the objections, and his objections provide no explanation as to how these individuals are involved in his alleged constitutional deprivations, nor do they explain why he has failed to comply with the magistrate judge's order of March 6, 2013.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 13), and Plaintiff's objections thereto (Doc. 14), the following ORDER is entered:

AND NOW, this 12th day of June, 2013,

IT IS HEREBY ORDERED that this case is DISMISSED.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Doc. 13) is adopted as the opinion of this Court.

BY THE COURT:

s/Cathy Bissoon
CATHY BISSOON
UNITED STATES DISTRICT JUDGE

cc:

DION A. TEMPLE
HF-5212
S.C.I. Fayette
50 Overlook Drive
LaBelle, PA 15450-0999